

**EXHIBIT 6**

1

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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L.P. MATTHEWS, L.L.C., :  
Plaintiff, :  
vs. : Civil Action  
BATH & BODY WORKS, INC.; : No. 04-1507 (SLR)  
LIMITED BRANDS, INC.; KAO  
BRANDS CO., (f/k/a THE :  
ANDREW JERGENS COMPANY);  
and KAO CORPORATION, :  
Defendants. :

----- x  
Deposition of CHRISTOPHER T. RHODES, Ph.D., a witness  
herein, called for examination by counsel for Defendant  
in the above-entitled matter, pursuant to notice, the  
witness being duly sworn by Robert M. Jakupciak, a  
Notary Public in and for the District of Columbia, taken  
at the offices of Robins, Kaplan, Miller & Ciresi, L.L.P.,  
1801 K Street, N.W., Washington, D.C., 20006, at 9:00 a.m.,  
on April 26, 2006, and the proceedings being taken down  
by Stenotype by Robert M. Jakupciak, RPR.

Christopher T. Rhodes

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2 (Pages 2 to 5)

<p style="text-align: right;">2</p> <p>1</p> <p>2 <b>APPEARANCES:</b></p> <p>3 On behalf of the Plaintiff:</p> <p>4 JASON R. BURATTI, ESQUIRE</p> <p>5 Robins, Kaplan, Miller &amp; Ciresi, L.L.P</p> <p>6 1801 K Street, N.W</p> <p>7 Washington, D.C., 20006</p> <p>8 (202) 736-2710</p> <p>9 On behalf of Limited Defendants:</p> <p>10 JOHN F. WARD, ESQUIRE</p> <p>11 Ward &amp; Olivo</p> <p>12 798 Third Avenue</p> <p>13 New York, New York 10017</p> <p>14 (212) 697-6262</p> <p>15 On behalf of Kao Corporation:</p> <p>16 STEPHEN G. BAXTER, ESQUIRE</p> <p>17 RICHARD L. CHINN, ESQUIRE</p> <p>18 Oblon, Spivak, McClelland</p> <p>19 Maier &amp; Neustadt, P.C.</p> <p>20 1940 Duke Street</p> <p>21 Alexandria, Virginia 22314</p> <p>22 (703) 413-3000</p>	<p style="text-align: right;">4</p> <p>1 Whereupon,</p> <p>2 CHRISTOPHER T. RHODES, Ph.D.,</p> <p>3 called for examination by counsel for Defendant and</p> <p>4 having been duly sworn by the Notary Public, was</p> <p>5 examined and testified as follows:</p> <p>6 EXAMINATION BY COUNSEL FOR DEFENDANT</p> <p>7 BY MR. BAXTER:</p> <p>8 Q. Good morning.</p> <p>9 A. Good morning.</p> <p>10 Q. Could you please state your full name</p> <p>11 for the record?</p> <p>12 A. Christopher Thomas Rhodes. R-H-O-D-E-S.</p> <p>13 Q. Could you please state your current</p> <p>14 address for the record?</p> <p>15 A. 28 Prospect Avenue, Narragansett, Rhode</p> <p>16 Island.</p> <p>17 Q. Is it Dr. Rhodes or Professor Rhodes or</p> <p>18 Mr. Rhodes?</p> <p>19 A. Professor Rhodes is perfectly</p> <p>20 satisfactory, thank you, sir.</p> <p>21 Q. My name is Steve Baxter, and I represent</p> <p>22 the Kao defendants in this litigation. Do you</p>
<p style="text-align: right;">3</p> <p>1 C O N T E N T S</p> <p>2 THE WITNESS: CHRISTOPHER T. RHODES, Ph.D.</p> <p>3 EXAMINATION PAGE NO.</p> <p>4 By Mr. Baxter ..... 4</p> <p>5</p> <p>6</p> <p>7</p> <p>8 EXHIBITS</p> <p>9 RHODES EXHIBIT NUMBER PAGE NO.</p> <p>10 1 Curriculum Vitae ..... 49</p> <p>11 2 Rhodes Report ..... 109</p> <p>12 3 Rhodes Updated Report ..... 109</p> <p>13 4 '062 Patent ..... 133</p> <p>14 5 '485 Patent ..... 150</p> <p>15 6 Rhodes Responsive Report ..... 216</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">5</p> <p>1 understand that I'm going to be asking you a series</p> <p>2 of questions today?</p> <p>3 A. I do.</p> <p>4 Q. And do you understand that if at any</p> <p>5 time during the questioning you don't understand one</p> <p>6 of my questions, you have the right to ask me for an</p> <p>7 explanation?</p> <p>8 A. I do.</p> <p>9 Q. And do you understand that you have the</p> <p>10 right to ask for a break at any time during the</p> <p>11 deposition?</p> <p>12 A. I do.</p> <p>13 Q. Have you ever been deposed before?</p> <p>14 A. Yes.</p> <p>15 Q. How many times?</p> <p>16 A. I can't give you an exact number.</p> <p>17 Q. More than ten?</p> <p>18 A. I don't know. I think probably about</p> <p>19 ten. I cannot be certain.</p> <p>20 Q. Have you ever -- have any of your prior</p> <p>21 depositions been in the context of patent</p> <p>22 litigation?</p>

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<p style="text-align: right;">154</p> <p>1 Q. Anything else?</p> <p>2 A. Yes. I've also seen a report from</p> <p>3 Professor Young of Iowa on some pH measurements.</p> <p>4 Q. I am --</p> <p>5 A. I'm sorry.</p> <p>6 Q. We probably both forgot. I did this a</p> <p>7 long time ago. I'm really more interested in not</p> <p>8 measuring pH or color, but skin cleaning.</p> <p>9 A. You are absolutely right, counsel. You</p> <p>10 did say that. I did forget. <i>Mia culpa, mia maxima</i></p> <p>11 <i>culpa</i>. Anything else on in vivo studies? I think</p> <p>12 that's it.</p> <p>13 MR. BURATTI: Mark the transcript for</p> <p>14 me.</p> <p>15 BY MR. BAXTER:</p> <p>16 Q. The study from the prosecution history</p> <p>17 that compared the efficacy of d-limonene with orange</p> <p>18 oil, that didn't have any numerical results in it,</p> <p>19 did it?</p> <p>20 A. I don't know, because in the letter I've</p> <p>21 seen from the patent attorney we don't actually have</p> <p>22 the report in any detail. All I have seen is this</p>	<p style="text-align: right;">156</p> <p>1 back.</p> <p>2 Q. You may have --</p> <p>3 A. Yes.</p> <p>4 Q. -- listed the complete -- in fact, I'm</p> <p>5 looking for this. In my updated one I see the</p> <p>6 depositions of Jack Krause, David Story. Let me</p> <p>7 look in the other report.</p> <p>8 MR. BURATTI: I think they are in the</p> <p>9 other report.</p> <p>10 A. Yes. In the responsive report.</p> <p>11 Q. It says I considered Dr. Lochhead's and</p> <p>12 Mr. Carson's report. No. And the depositions of</p> <p>13 Dr. Greenspan, Dr. Low -- off the record.</p> <p>14 - - -</p> <p>15 (Discussion off the Record.)</p> <p>16 - - -</p> <p>17 BY MR. BAXTER:</p> <p>18 Q. I was just wondering if you had cited to</p> <p>19 any page or line. Do you recall seeing any</p> <p>20 numerical results in the deposition transcripts of</p> <p>21 Messrs. Low or Greenspan?</p> <p>22 MR. BURATTI: Objection to form. And if</p>
<p style="text-align: right;">155</p> <p>1 is what was found. So the trouble is I can't</p> <p>2 testify to the full scope of that report.</p> <p>3 Q. In fact, I may have used the word</p> <p>4 report, but what I'm referring to is what you saw.</p> <p>5 A. Yes. All I can tell you is that</p> <p>6 apparently there were studies and these studies</p> <p>7 showed a substantial or at least a significant</p> <p>8 advantage in using orange oil rather than</p> <p>9 d-limonene.</p> <p>10 Q. You only saw the synopsis as presented</p> <p>11 by the patent attorney and what you saw had no</p> <p>12 numerical results; isn't that correct?</p> <p>13 A. That is correct. Of course, counselor,</p> <p>14 you will recall that in the deposition transcripts</p> <p>15 for both Mr. Greenspan and Mr. Low, and these were</p> <p>16 the people who were involved, they also referred to</p> <p>17 it. So to that extent that wasn't secondhand</p> <p>18 testimony.</p> <p>19 Q. Did you cite that deposition testimony</p> <p>20 in your expert report? Did you rely on that</p> <p>21 deposition testimony in your expert report?</p> <p>22 A. I think in the back of -- I hope in the</p>	<p style="text-align: right;">157</p> <p>1 you would like to see the documents, you can ask for</p> <p>2 them.</p> <p>3 A. In the absence of going through the</p> <p>4 transcripts, I'm afraid I can't be more helpful.</p> <p>5 Q. Sitting here today you just can't</p> <p>6 remember?</p> <p>7 A. I just can't remember.</p> <p>8 Q. Now let me hand you a copy of U.S.</p> <p>9 Patent 5,013,485, which we have marked as Rhodes</p> <p>10 Exhibit Number 5. Can you identify Rhodes Exhibit</p> <p>11 Number 5?</p> <p>12 A. Yes, I can.</p> <p>13 Q. I notice you cite that, I believe, as</p> <p>14 Exhibit 4 on the very bottom of page 4 of your</p> <p>15 updated report.</p> <p>16 A. Can I just turn to that?</p> <p>17 Q. Sure. I was going to do it for you.</p> <p>18 But that's okay.</p> <p>19 A. Page 4.</p> <p>20 Q. The very bottom. Page 4, where it says</p> <p>21 the claim term orange oil.</p> <p>22 A. Yes.</p>

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<p style="text-align: right;">158</p> <p>1 Q. Then you go on.</p> <p>2 A. I see. Yes.</p> <p>3 Q. So Rhodes Deposition Exhibit Number 5 is</p> <p>4 Exhibit 4 of your updated expert report?</p> <p>5 A. Yes, sir. The numbers are beginning to</p> <p>6 jump around a bit, but I think I'm on track at the</p> <p>7 moment.</p> <p>8 Q. We will just try to keep it straight.</p> <p>9 Now you say: Based on Rhodes Exhibit Number 5, I</p> <p>10 conclude that orange oil can perform cleaning at</p> <p>11 levels of 0.01 percent or lower. Do you see that?</p> <p>12 A. Correct. Yes, sir.</p> <p>13 Q. Aside -- first of all, when was the</p> <p>14 first time you saw Rhodes Exhibit Number 5?</p> <p>15 A. I don't recall.</p> <p>16 Q. Was it during the course of this</p> <p>17 litigation?</p> <p>18 A. Oh, yes. I had never seen that patent</p> <p>19 before January '06.</p> <p>20 Q. Did you find that patent yourself?</p> <p>21 A. No, sir.</p> <p>22 Q. Was it provided to you by Mr. Buratti or</p>	<p style="text-align: right;">160</p> <p>1 about orange oil up to 45 percent, and within the</p> <p>2 patent itself we see data going down to 5 percent</p> <p>3 which has still got cleaning properties but not as</p> <p>4 good as higher concentrations.</p> <p>5 So the first thing I can do as a</p> <p>6 scientist who has worked on emulsions, skin lotions,</p> <p>7 is carry out an extrapolation procedure and say,</p> <p>8 well, it will certainly be, still be effective at</p> <p>9 lower concentrations. It may require a little</p> <p>10 longer application, but an extrapolation procedure.</p> <p>11 So that's the first approach I can use.</p> <p>12 The second approach I can use is my</p> <p>13 knowledge of the use of surfactants and of solvents,</p> <p>14 knowing that surfactants in particular are very</p> <p>15 active even at very low concentrations, and so I</p> <p>16 know that the limits of the effectiveness of the</p> <p>17 teachings of the '062 patent are going to be much</p> <p>18 lower than 5 percent. And I believe that in the</p> <p>19 prosecution file history, that when the patent was</p> <p>20 first submitted, in fact there was an indication</p> <p>21 that the product would be effective at quite low</p> <p>22 concentrations.</p>
<p style="text-align: right;">159</p> <p>1 somebody at Robins Kaplan?</p> <p>2 A. I think it was Mr. Buratti who provided</p> <p>3 it to me, yes.</p> <p>4 Q. Do you have any basis other than Rhodes</p> <p>5 Exhibit Number 5 to believe that orange oil can</p> <p>6 perform cleaning at levels of 0.01 percent or lower?</p> <p>7 A. Yes, I do.</p> <p>8 Q. Can you tell us those?</p> <p>9 A. Certainly. In the '062 patent itself,</p> <p>10 the patentees report studies in which they go down</p> <p>11 to orange oil concentrations at 5 percent. And if I</p> <p>12 may just turn to the '062 patent.</p> <p>13 Q. You may want to turn to column 6.</p> <p>14 A. Thank you. It tells us that the</p> <p>15 effectiveness of the products, of the cleaning</p> <p>16 ability, was reduced. It could still remove</p> <p>17 cosmetic products. It wasn't good or as effective</p> <p>18 at removing caulking compounds and so on.</p> <p>19 So the first thing I know, looking at</p> <p>20 the patent, we have got products which contain a</p> <p>21 number of different concentrations of the oil. And</p> <p>22 certainly if you look at the claim, we are talking</p>	<p style="text-align: right;">161</p> <p>1 But where I found the patent that you</p> <p>2 just put before me, the '485 patent, particularly</p> <p>3 useful was I already knew that the teachings would</p> <p>4 be useful well below 5 percent. This patent gave me</p> <p>5 a lower limit, which was very much in line with what</p> <p>6 I had previously hypothesized.</p> <p>7 So the '485 patent was confirmatory in</p> <p>8 nature. And I found it very useful in that sense.</p> <p>9 Q. Does the '062 patent itself report any</p> <p>10 testing of a cleaning composition which contains</p> <p>11 less than 5 percent orange oil?</p> <p>12 A. I think I've already told you the lowest</p> <p>13 concentration reported in the '062 patent is 5</p> <p>14 percent.</p> <p>15 Q. Do you know why or how the number 5</p> <p>16 percent was arrived at?</p> <p>17 MR. BURATTI: Objection to form.</p> <p>18 A. Could you rephrase that question,</p> <p>19 please, counsel?</p> <p>20 Q. Do you know how -- strike that. Do you</p> <p>21 know how the inventors arrived at the number 5</p> <p>22 percent?</p>

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<p style="text-align: right;">242</p> <p>1 _____</p> <p>2 CHRISTOPHER T. RHODES, Ph.D.</p> <p>3</p> <p>4</p> <p>5 SUBSCRIBED and SWORN TO before me this ____ day of</p> <p>6 _____, 2006.</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14 _____</p> <p>15 NOTARY PUBLIC</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21 My Commission expires: _____</p> <p>22 UNITED STATES OF AMERICA )</p>	<p style="text-align: right;">243</p> <p>1 ss:</p> <p>2 DISTRICT OF COLUMBIA )</p> <p>3 I, ROBERT M. JAKUPCIAK, an RPR and Notary</p> <p>4 Public within and for the District of Columbia do</p> <p>5 hereby certify:</p> <p>6 That the witness whose depostion is</p> <p>7 hereinbefore set forth, was duly sworn and that the</p> <p>8 within transcript is a true record of the testimony</p> <p>9 given by such witness.</p> <p>10 I further certify that I am not related to</p> <p>11 any of these parties to this action by blood or</p> <p>12 marriage and that I am in no way interested in the</p> <p>13 outcome of this matter.</p> <p>14 IN WITNESS WHEREOF, I have hereunto set my</p> <p>15 hand this ____ day of _____, 2006.</p> <p>16</p> <p>17 _____</p> <p>18</p> <p>19 My Commission Expires:</p> <p>20 December 14, 2008</p> <p>21</p>
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<p style="text-align: right;">353</p> <p>1 tissue?</p> <p>2 A. It's an interesting question. I suppose</p> <p>3 whether you would consider the -- if it's dead, it</p> <p>4 is certainly no longer a living tissue. Is it part</p> <p>5 of my body still? I would say that the dead skin is</p> <p>6 now unwanted tissue and is no longer part of the</p> <p>7 essence of me. But I think we are getting outside</p> <p>8 colloid science. We are getting into rather</p> <p>9 teleological areas.</p> <p>10 Q. Fair enough. How about at the end of</p> <p>11 claim 6, you see it mentions that there is a pH</p> <p>12 within the range of 4.5 to 6, inclusively?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Period. What does inclusively mean to</p> <p>15 you?</p> <p>16 A. It tells me that if someone reading this</p> <p>17 patent took the level as being exactly -- if someone</p> <p>18 came up with a product that is outside that range,</p> <p>19 the range being from 4.5 to 6, if they came up with</p> <p>20 a product outside that range, they have infringed</p> <p>21 the patent, inclusive.</p> <p>22 MR. WARD: Could you read that back?</p>	<p style="text-align: right;">355</p> <p>1 exactly -- if someone came up with a product that is</p> <p>2 outside that range, the range being from 4.5 to 6,</p> <p>3 if they came up with a product outside that range,</p> <p>4 they have infringed the patent, inclusive.)</p> <p>5 - - -</p> <p>6 BY MR. WARD:</p> <p>7 Q. I'm a little confused by that answer.</p> <p>8 A. Counselor, I think when I gave it I was</p> <p>9 very confused. May I try again?</p> <p>10 Q. Let's.</p> <p>11 A. Right. It makes it very clear that</p> <p>12 anything within 4.5 to 6 is dead meat. But then I</p> <p>13 think by using the word inclusively, they are</p> <p>14 referring to the precision of the measurement. And</p> <p>15 that what would be -- you might well read it as, as</p> <p>16 being 4.5 plus or minus the error involved in</p> <p>17 determining the pH and 6, plus or minus or, of</p> <p>18 course, minus doesn't come in here. So it would be</p> <p>19 adding the error in.</p> <p>20 So I think this is where they are</p> <p>21 indicating, as they have in the rest of the patent,</p> <p>22 that their pH values are not exact. They are not</p>
<p style="text-align: right;">354</p> <p>1 I'm sorry, I didn't catch the end of that. Just</p> <p>2 read back the answer. You know what? We are just</p> <p>3 about out of tape. So I'll take a look at it. Take</p> <p>4 a quick break.</p> <p>5 VIDEOGRAPHER: The time is 12:08. We</p> <p>6 are going off the record with tape number two.</p> <p>7 - - -</p> <p>8 (Recessed at 12:08 p.m.)</p> <p>9 (Reconvened at 12:20 p.m.)</p> <p>10 - - -</p> <p>11 VIDEOGRAPHER: The time is 12:20 and we</p> <p>12 are back on the record with the beginning of tape</p> <p>13 number three.</p> <p>14 MR. WARD: Could you read back the last</p> <p>15 question and answer, please?</p> <p>16 - - -</p> <p>17 (Whereupon the following portion of the</p> <p>18 testimony was repeated by the Court Reporter:</p> <p>19 QUESTION: What does inclusively mean to</p> <p>20 you?</p> <p>21 ANSWER: It tells me that if someone</p> <p>22 reading this patent took the level as being</p>	<p style="text-align: right;">356</p> <p>1 precise I should say, they are not precise to say</p> <p>2 two decimal figures, so by putting inclusively, they</p> <p>3 are saying be aware of the fact that there will be</p> <p>4 some error. We are talking about approximate pH.</p> <p>5 And so they are saying, as I read the</p> <p>6 patent, that the precision is no better than</p> <p>7 plus/minus half a pH unit, that when you come to</p> <p>8 look at this you should interpret this as going from</p> <p>9 4, above 4, and below 6.5.</p> <p>10 Q. Now, I'm going to tell you that in</p> <p>11 patent terms, and as you say, you are not a patent</p> <p>12 lawyer, I've generally seen the term inclusively</p> <p>13 used to mean that the end points of the range are</p> <p>14 included. But you are not reading it that way?</p> <p>15 A. Okay. What you are telling me is this.</p> <p>16 I think you are telling me. That if we didn't have</p> <p>17 the word inclusively, it would be say 4.51 to 5.99?</p> <p>18 Q. There is case law to that effect.</p> <p>19 A. Okay. As I've already said, I am not a</p> <p>20 patent lawyer, and to the extent this is a legal</p> <p>21 question, I can't answer it.</p> <p>22 Q. No. I asked you how you read it and I</p>



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<p style="text-align: right;">357</p> <p>1 think you answered my question. And just to briefly 2 go over the reason that you add half a point to 3 either end of the range? 4 A. Half a pH unit. Yes. 5 Q. Uh-huh. 6 MR. BURATTI: Objection to form. Is 7 there a question? 8 Q. Yes. Just if you could briefly -- 9 A. Oh, I'm sorry. 10 Q. If you could briefly explain why it was 11 that you added a half point into the pH range on 12 either end? 13 A. Throughout the patent there are a number 14 of pH values indicated. Now, with the exception of 15 one, which is in Table 1 where it tells me a pH of 16 4.7, all the other values are either an exact pH 17 value with nothing on the right of the decimal point 18 or they are exactly half a pH unit. 19 In no case is there, for example, the 20 second decimal unit given to us. If the patentees 21 had been using a pH meter, I would have expected to 22 see two decimal points in the values that they</p>	<p style="text-align: right;">359</p> <p>1 been made by lawyers. And some of the arguments 2 pertaining to ranges, they have gone over my head, I 3 don't understand them fully. They are legal 4 matters. But, yes, to answer your question, I have 5 testified before on points about ranges. 6 Q. Have you noticed in these instances that 7 these ranges are usually broad? 8 MR. BURATTI: Objection to form. 9 A. Well, I have testified in some patent 10 cases on behalf of the patent holder and in some 11 cases on the behalf of someone who is trying to 12 invalidate the patent. And obviously I've been 13 given different interpretations perhaps because of 14 that. 15 I don't understand all the legal 16 niceties and I must admit until a few minutes ago 17 I've now learned something from you counselor, that 18 I didn't know that if the word inclusive didn't come 19 at the end you would shave a little bit off that 20 range. 21 Q. We will argue anything. 22 A. Well, but quite seriously, all I can say</p>
<p style="text-align: right;">358</p> <p>1 record. 2 Additionally, I note that in the tables 3 where they give the pH, at the head of the pH values 4 it says very clearly approximate. So when I read 5 that I say to myself, this is strongly indicating to 6 me that the method of determining pH used by the 7 patentees was a colorimetric one, probably using pH 8 test papers, and with that type of technique it is 9 not very precise. It may be accurate, but it is not 10 very precise, and a precision of plus/minus half a 11 pH unit is reasonable. 12 So that's how I come to this point that 13 when they are talking about pH values, they are 14 saying approximate. Although they don't actually 15 say so in the patent, I take all their values, in my 16 mind I see plus/minus half a pH unit. 17 Q. Now, in your experience in testifying in 18 patent matters have you had occasion to analyze 19 claims that discuss ranges? 20 A. Well, I have obviously met with claims 21 before and I have given my opinion as a colloid 22 scientist, as a scientist. The interpretation has</p>	<p style="text-align: right;">360</p> <p>1 is I come to this as a colloid scientist. I look at 2 these pH terms and these are how I read it. In 3 terms of the claims interpretation, that is for you 4 gentlemen, and of course the Court. 5 Q. All right. I can say that when I draft 6 a claim, not that I do it too often anymore, but 7 when I draft a claim I would already include my 8 extensions in the range. 9 A. I see. 10 Q. But that again is a legal matter, and 11 you are not here to discuss that. 12 But I do have some other questions about 13 this pH range and we will do it in reference to the 14 '062 patent. So if you still have it in front of 15 you, there is a couple of things I wanted to ask. 16 A. Yes, sir. 17 Q. First, have you noticed in your review 18 of the '062 patent that there is a particularly 19 preferred embodiment? 20 MR. BURATTI: Objection; form. 21 A. I do remember that there are a number of 22 points when it talks about preferably and most</p>



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55 (Pages 457 to 459)

<div style="text-align: right;">457</div> <p>1                   - - -</p> <p>2           MR. BURATTI: All right. Dr. Rhodes</p> <p>3 referred earlier today to some e-mails that he had</p> <p>4 seen in preparation for his deposition. I'm going</p> <p>5 to mark those as Rhodes Exhibit 7. It's a March 3,</p> <p>6 2006 e-mail from Mike -- from Jason Buratti to Mike</p> <p>7 Spero, S-P-E-R-O, and copying Mike Zinna and a group</p> <p>8 e-mail styled LP Matthews; a March 15, 2006 e-mail</p> <p>9 from Jason Buratti to Mike Spero, copying Mike Zinna</p> <p>10 and LP Matthews.</p> <p>11           I'm going to mark as Rhodes 8 a two-page</p> <p>12 document containing the calculations that correspond</p> <p>13 to these sections in Dr. Rhodes's report that deal</p> <p>14 with the limited defendant's accused products that</p> <p>15 Dr. Rhodes prepared himself.</p> <p>16                   (Rhodes Exhibit No.</p> <p>17                   7 and 8 were marked</p> <p>18                   for identification.)</p> <p>19</p> <p>20           MR. BURATTI: We can go off the record.</p> <p>21           (Whereupon, at 4:06 p.m. the taking of</p> <p>22 the instant deposition recessed.)</p>	<div style="text-align: right;">459</div> <p>1 UNITED STATES OF AMERICA )</p> <p>2                   ss:</p> <p>3 DISTRICT OF COLUMBIA    )</p> <p>4           I, ROBERT M. JAKUPCIAK, an RPR and Notary</p> <p>5 Public within and for the District of Columbia do</p> <p>6 hereby certify:</p> <p>7           That the witness whose deposition is</p> <p>8 hereinbefore set forth, was duly sworn and that the</p> <p>9 within transcript is a true record of the testimony</p> <p>10 given by such witness.</p> <p>11           I further certify that I am not related to</p> <p>12 any of these parties to this action by blood or</p> <p>13 marriage and that I am in no way interested in the</p> <p>14 outcome of this matter.</p> <p>15           IN WITNESS WHEREOF, I have hereunto set my</p> <p>16 hand this ____ day of _____, 2006.</p> <p>17 _____</p> <p>18</p> <p>19</p> <p>20 My Commission Expires:</p> <p>21 December 14, 2008</p> <p>22</p>
<div style="text-align: right;">458</div> <p>1</p> <p>2</p> <p>3</p> <p>4                   _____ CHRISTOPHER T. RHODES, PH.D.</p> <p>5</p> <p>6</p> <p>7 SUBSCRIBED and SWORN TO before me this ____ day of</p> <p>8 _____, 2006.</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18                   _____ NOTARY PUBLIC</p> <p>19</p> <p>20</p> <p>21</p> <p>22 My Commission expires: _____</p>	